

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 10-21.3a, 10-22.6, 10-22.6a, 13A-11, 22-60, 26-2a, 27A-5, and
6 34-18.24 and by adding Article 26A as follows:

7 (105 ILCS 5/10-21.3a)

8 Sec. 10-21.3a. Transfer of students.

9 (a) Each school board shall establish and implement a
10 policy governing the transfer of a student from one attendance
11 center to another within the school district upon the request
12 of the student's parent or guardian. A student may not transfer
13 to any of the following attendance centers, except by change in
14 residence if the policy authorizes enrollment based on
15 residence in an attendance area or unless approved by the board
16 on an individual basis:

17 (1) An attendance center that exceeds or as a result of
18 the transfer would exceed its attendance capacity.

19 (2) An attendance center for which the board has
20 established academic criteria for enrollment if the
21 student does not meet the criteria.

22 (3) Any attendance center if the transfer would prevent
23 the school district from meeting its obligations under a

1 State or federal law, court order, or consent decree
2 applicable to the school district.

3 (b) Each school board shall establish and implement a
4 policy governing the transfer of students within a school
5 district from a persistently dangerous school to another public
6 school in that district that is not deemed to be persistently
7 dangerous. In order to be considered a persistently dangerous
8 school, the school must meet all of the following criteria for
9 2 consecutive years:

10 (1) Have greater than 3% of the students enrolled in
11 the school expelled for violence-related conduct.

12 (2) Have one or more students expelled for bringing a
13 firearm to school as defined in 18 U.S.C. 921.

14 (3) Have at least 3% of the students enrolled in the
15 school exercise the individual option to transfer schools
16 pursuant to subsection (c) of this Section.

17 (c) A student may transfer from one public school to
18 another public school in that district if the student is a
19 victim of a violent crime as defined in Section 3 of the Rights
20 of Crime Victims and Witnesses Act. The violent crime must have
21 occurred on school grounds during regular school hours or
22 during a school-sponsored event.

23 (d) (Blank).

24 (e) Notwithstanding any other provision of this Code, a
25 student who is a victim of gender-based violence, as defined in
26 Article 26A, must be permitted to transfer schools immediately

1 and as needed, including to a school in another school
2 district, if the student's continued attendance at a particular
3 attendance center, school facility, or school location poses a
4 risk to the student's mental or physical well-being or safety.
5 A transfer under this subsection within the student's current
6 school district must be considered before a transfer into a
7 different school district. A school district must waive tuition
8 for a student who transfers under this subsection to the school
9 district and is a nonresident. A student who transfers to
10 another school under this subsection due to gender-based
11 violence must have full and immediate access to extracurricular
12 activities and any programs or activities offered by or under
13 the auspices of the school to which the student has
14 transferred. No adverse or prejudicial effects may result to
15 any student who is a victim of gender-based violence because of
16 the student availing himself or herself of or declining the
17 provisions of this subsection.

18 (Source: P.A. 100-1046, eff. 8-23-18.)

19 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

20 Sec. 10-22.6. Suspension or expulsion of pupils; school
21 searches.

22 (a) To expel pupils guilty of gross disobedience or
23 misconduct, including gross disobedience or misconduct
24 perpetuated by electronic means, pursuant to subsection (b-20)
25 of this Section, and no action shall lie against them for such

1 expulsion. Expulsion shall take place only after the parents
2 have been requested to appear at a meeting of the board, or
3 with a hearing officer appointed by it, to discuss their
4 child's behavior. Such request shall be made by registered or
5 certified mail and shall state the time, place and purpose of
6 the meeting. The board, or a hearing officer appointed by it,
7 at such meeting shall state the reasons for dismissal and the
8 date on which the expulsion is to become effective. If a
9 hearing officer is appointed by the board, he shall report to
10 the board a written summary of the evidence heard at the
11 meeting and the board may take such action thereon as it finds
12 appropriate. If the board acts to expel a pupil, the written
13 expulsion decision shall detail the specific reasons why
14 removing the pupil from the learning environment is in the best
15 interest of the school. The expulsion decision shall also
16 include a rationale as to the specific duration of the
17 expulsion. An expelled pupil may be immediately transferred to
18 an alternative program in the manner provided in Article 13A or
19 13B of this Code. A pupil must not be denied transfer because
20 of the expulsion, except in cases in which such transfer is
21 deemed to cause a threat to the safety of students or staff in
22 the alternative program.

23 (b) To suspend or by policy to authorize the superintendent
24 of the district or the principal, assistant principal, or dean
25 of students of any school to suspend pupils guilty of gross
26 disobedience or misconduct, or to suspend pupils guilty of

1 gross disobedience or misconduct on the school bus from riding
2 the school bus, pursuant to subsections (b-15) and (b-20) of
3 this Section, and no action shall lie against them for such
4 suspension. The board may by policy authorize the
5 superintendent of the district or the principal, assistant
6 principal, or dean of students of any school to suspend pupils
7 guilty of such acts for a period not to exceed 10 school days.
8 If a pupil is suspended due to gross disobedience or misconduct
9 on a school bus, the board may suspend the pupil in excess of
10 10 school days for safety reasons.

11 Any suspension shall be reported immediately to the parents
12 or guardian of a pupil along with a full statement of the
13 reasons for such suspension and a notice of their right to a
14 review. The school board must be given a summary of the notice,
15 including the reason for the suspension and the suspension
16 length. Upon request of the parents or guardian, the school
17 board or a hearing officer appointed by it shall review such
18 action of the superintendent or principal, assistant
19 principal, or dean of students. At such review, the parents or
20 guardian of the pupil may appear and discuss the suspension
21 with the board or its hearing officer. If a hearing officer is
22 appointed by the board, he shall report to the board a written
23 summary of the evidence heard at the meeting. After its hearing
24 or upon receipt of the written report of its hearing officer,
25 the board may take such action as it finds appropriate. If a
26 student is suspended pursuant to this subsection (b), the board

1 shall, in the written suspension decision, detail the specific
2 act of gross disobedience or misconduct resulting in the
3 decision to suspend. The suspension decision shall also include
4 a rationale as to the specific duration of the suspension. A
5 pupil who is suspended in excess of 20 school days may be
6 immediately transferred to an alternative program in the manner
7 provided in Article 13A or 13B of this Code. A pupil must not
8 be denied transfer because of the suspension, except in cases
9 in which such transfer is deemed to cause a threat to the
10 safety of students or staff in the alternative program.

11 (b-5) Among the many possible disciplinary interventions
12 and consequences available to school officials, school
13 exclusions, such as out-of-school suspensions and expulsions,
14 are the most serious. School officials shall limit the number
15 and duration of expulsions and suspensions to the greatest
16 extent practicable, and it is recommended that they use them
17 only for legitimate educational purposes. To ensure that
18 students are not excluded from school unnecessarily, it is
19 recommended that school officials consider forms of
20 non-exclusionary discipline prior to using out-of-school
21 suspensions or expulsions.

22 (b-10) Unless otherwise required by federal law or this
23 Code, school boards may not institute zero-tolerance policies
24 by which school administrators are required to suspend or expel
25 students for particular behaviors.

26 (b-15) Out-of-school suspensions of 3 days or less may be

1 used only if the student's continuing presence in school would
2 pose a threat to school safety or a disruption to other
3 students' learning opportunities. For purposes of this
4 subsection (b-15), "threat to school safety or a disruption to
5 other students' learning opportunities" shall be determined on
6 a case-by-case basis by the school board or its designee.
7 School officials shall make all reasonable efforts to resolve
8 such threats, address such disruptions, and minimize the length
9 of suspensions to the greatest extent practicable.

10 (b-20) Unless otherwise required by this Code,
11 out-of-school suspensions of longer than 3 days, expulsions,
12 and disciplinary removals to alternative schools may be used
13 only if other appropriate and available behavioral and
14 disciplinary interventions have been exhausted and the
15 student's continuing presence in school would either (i) pose a
16 threat to the safety of other students, staff, or members of
17 the school community or (ii) substantially disrupt, impede, or
18 interfere with the operation of the school. For purposes of
19 this subsection (b-20), "threat to the safety of other
20 students, staff, or members of the school community" and
21 "substantially disrupt, impede, or interfere with the
22 operation of the school" shall be determined on a case-by-case
23 basis by school officials. For purposes of this subsection
24 (b-20), the determination of whether "appropriate and
25 available behavioral and disciplinary interventions have been
26 exhausted" shall be made by school officials. School officials

1 shall make all reasonable efforts to resolve such threats,
2 address such disruptions, and minimize the length of student
3 exclusions to the greatest extent practicable. Within the
4 suspension decision described in subsection (b) of this Section
5 or the expulsion decision described in subsection (a) of this
6 Section, it shall be documented whether other interventions
7 were attempted or whether it was determined that there were no
8 other appropriate and available interventions.

9 (b-25) Students who are suspended out-of-school for longer
10 than 4 school days shall be provided appropriate and available
11 support services during the period of their suspension. For
12 purposes of this subsection (b-25), "appropriate and available
13 support services" shall be determined by school authorities.
14 Within the suspension decision described in subsection (b) of
15 this Section, it shall be documented whether such services are
16 to be provided or whether it was determined that there are no
17 such appropriate and available services.

18 A school district may refer students who are expelled to
19 appropriate and available support services.

20 A school district shall create a policy to facilitate the
21 re-engagement of students who are suspended out-of-school,
22 expelled, or returning from an alternative school setting.

23 (b-30) A school district shall create a policy by which
24 suspended pupils, including those pupils suspended from the
25 school bus who do not have alternate transportation to school,
26 shall have the opportunity to make up work for equivalent

1 academic credit. It shall be the responsibility of a pupil's
2 parent or guardian to notify school officials that a pupil
3 suspended from the school bus does not have alternate
4 transportation to school.

5 (b-35) In all suspension or expulsion proceedings, a
6 student may disclose his or her status as a parent, expectant
7 parent, or victim of gender-based violence, as defined in
8 Article 26A, which must be considered as a mitigating factor in
9 determining whether to suspend or expel the student or in
10 deciding the nature or severity of the disciplinary action at
11 any time throughout the proceedings. An advocate or
12 representative of the student's choice must be permitted to
13 represent the student throughout the proceedings and to consult
14 with the school board if there is evidence that the student's
15 status as a parent, expectant parent, or victim of gender-based
16 violence may be a factor in the cause for expulsion or
17 suspension. A student who discloses his or her status as a
18 victim of gender-based violence may not be required to work out
19 the problem directly with the perpetrator or the perpetrator's
20 advocate or representative, be personally questioned or
21 cross-examined by the perpetrator or the perpetrator's
22 advocate or representative, have any direct contact with the
23 perpetrator or the perpetrator's advocate or representative,
24 or be in the same room as the perpetrator or the perpetrator's
25 advocate or representative during the proceedings. A
26 suspension or expulsion proceeding under this subsection must

1 be conducted independently from any ongoing criminal
2 investigation or proceeding, and a lack of pursuit of criminal
3 investigations or proceedings may not be a factor in school
4 disciplinary decisions.

5 (c) The Department of Human Services shall be invited to
6 send a representative to consult with the board at such meeting
7 whenever there is evidence that mental illness may be the cause
8 for expulsion or suspension.

9 (c-5) School districts shall make reasonable efforts to
10 provide ongoing professional development to teachers,
11 administrators, school board members, school resource
12 officers, and staff on the adverse consequences of school
13 exclusion and justice-system involvement, effective classroom
14 management strategies, culturally responsive discipline, the
15 appropriate and available supportive services for the
16 promotion of student attendance and engagement, and
17 developmentally appropriate disciplinary methods that promote
18 positive and healthy school climates.

19 (d) The board may expel a student for a definite period of
20 time not to exceed 2 calendar years, as determined on a
21 case-by-case basis. A student who is determined to have brought
22 one of the following objects to school, any school-sponsored
23 activity or event, or any activity or event that bears a
24 reasonable relationship to school shall be expelled for a
25 period of not less than one year:

26 (1) A firearm. For the purposes of this Section,

1 "firearm" means any gun, rifle, shotgun, weapon as defined
2 by Section 921 of Title 18 of the United States Code,
3 firearm as defined in Section 1.1 of the Firearm Owners
4 Identification Card Act, or firearm as defined in Section
5 24-1 of the Criminal Code of 2012. The expulsion period
6 under this subdivision (1) may be modified by the
7 superintendent, and the superintendent's determination may
8 be modified by the board on a case-by-case basis.

9 (2) A knife, brass knuckles or other knuckle weapon
10 regardless of its composition, a billy club, or any other
11 object if used or attempted to be used to cause bodily
12 harm, including "look alike" of any firearm as defined in
13 subdivision (1) of this subsection (d). The expulsion
14 requirement under this subdivision (2) may be modified by
15 the superintendent, and the superintendent's determination
16 may be modified by the board on a case-by-case basis.

17 Expulsion or suspension shall be construed in a manner
18 consistent with the federal ~~Federal~~ Individuals with
19 Disabilities Education Act. A student who is subject to
20 suspension or expulsion as provided in this Section may be
21 eligible for a transfer to an alternative school program in
22 accordance with Article 13A of the School Code.

23 (d-5) The board may suspend or by regulation authorize the
24 superintendent of the district or the principal, assistant
25 principal, or dean of students of any school to suspend a
26 student for a period not to exceed 10 school days or may expel

1 a student for a definite period of time not to exceed 2
2 calendar years, as determined on a case-by-case basis, if (i)
3 that student has been determined to have made an explicit
4 threat on an Internet website against a school employee, a
5 student, or any school-related personnel, (ii) the Internet
6 website through which the threat was made is a site that was
7 accessible within the school at the time the threat was made or
8 was available to third parties who worked or studied within the
9 school grounds at the time the threat was made, and (iii) the
10 threat could be reasonably interpreted as threatening to the
11 safety and security of the threatened individual because of his
12 or her duties or employment status or status as a student
13 inside the school.

14 (e) To maintain order and security in the schools, school
15 authorities may inspect and search places and areas such as
16 lockers, desks, parking lots, and other school property and
17 equipment owned or controlled by the school, as well as
18 personal effects left in those places and areas by students,
19 without notice to or the consent of the student, and without a
20 search warrant. As a matter of public policy, the General
21 Assembly finds that students have no reasonable expectation of
22 privacy in these places and areas or in their personal effects
23 left in these places and areas. School authorities may request
24 the assistance of law enforcement officials for the purpose of
25 conducting inspections and searches of lockers, desks, parking
26 lots, and other school property and equipment owned or

1 controlled by the school for illegal drugs, weapons, or other
2 illegal or dangerous substances or materials, including
3 searches conducted through the use of specially trained dogs.
4 If a search conducted in accordance with this Section produces
5 evidence that the student has violated or is violating either
6 the law, local ordinance, or the school's policies or rules,
7 such evidence may be seized by school authorities, and
8 disciplinary action may be taken. School authorities may also
9 turn over such evidence to law enforcement authorities.

10 (f) Suspension or expulsion may include suspension or
11 expulsion from school and all school activities and a
12 prohibition from being present on school grounds.

13 (g) A school district may adopt a policy providing that if
14 a student is suspended or expelled for any reason from any
15 public or private school in this or any other state, the
16 student must complete the entire term of the suspension or
17 expulsion in an alternative school program under Article 13A of
18 this Code or an alternative learning opportunities program
19 under Article 13B of this Code before being admitted into the
20 school district if there is no threat to the safety of students
21 or staff in the alternative program. A school district that
22 adopts a policy under this subsection must include a provision
23 allowing for consideration of a student's status as a parent,
24 expectant parent, or victim of gender-based violence, as
25 defined in Article 26A, as a mitigating factor in reviews
26 during the disciplinary period and exempting, on a case-by-case

1 basis, from suspension or expulsion those students whose status
2 as a parent, expectant parent, or victim of gender-based
3 violence is a factor in the behavior that gave rise to the
4 suspension or expulsion.

5 (h) School officials shall not advise or encourage students
6 to drop out voluntarily due to behavioral or academic
7 difficulties.

8 (i) A student may not be issued a monetary fine or fee as a
9 disciplinary consequence, though this shall not preclude
10 requiring a student to provide restitution for lost, stolen, or
11 damaged property.

12 (j) Subsections (a) through (i) and subsection (m) of this
13 Section shall apply to elementary and secondary schools,
14 charter schools, special charter districts, and school
15 districts organized under Article 34 of this Code.

16 (k) The expulsion of children enrolled in programs funded
17 under Section 1C-2 of this Code is subject to the requirements
18 under paragraph (7) of subsection (a) of Section 2-3.71 of this
19 Code.

20 (l) Beginning with the 2018-2019 school year, an in-school
21 suspension program provided by a school district for any
22 students in kindergarten through grade 12 may focus on
23 promoting non-violent conflict resolution and positive
24 interaction with other students and school personnel. A school
25 district may employ a school social worker or a licensed mental
26 health professional to oversee an in-school suspension program

1 in kindergarten through grade 12.

2 (m) If a student is faced with either (i) suspension from
3 school due to gross disobedience or misconduct or suspension
4 from riding a school bus due to gross disobedience or
5 misconduct on the school bus as provided in this Section or
6 (ii) expulsion due to gross disobedience or misconduct as
7 provided in this Section and if there is a relationship between
8 the behavior that gave rise to the suspension or expulsion
9 proceedings and the student's status as a parent, expectant
10 parent, or victim of gender-based violence, as defined in
11 Article 26A, then the suspension or expulsion requirement may
12 be modified by the district superintendent on a case-by-case
13 basis.

14 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;
15 100-810, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1035, eff.
16 8-22-18; revised 10-1-18.)

17 (105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

18 Sec. 10-22.6a. Home instruction; correspondence courses.

19 (a) To provide by home instruction, correspondence
20 courses, or otherwise courses of instruction for a pupil who is
21 ~~pupils who are~~ unable to attend school because of pregnancy or
22 pregnancy-related conditions, the fulfillment of parenting
23 obligations related to the health of the pupil's child, or
24 health and safety concerns arising from gender-based violence,
25 as defined in Article 26A. Such instruction shall be provided

1 to the pupil (1) before the birth of the child when the pupil's
2 physician, physician assistant, or advanced practice nurse has
3 indicated to the district, in writing, that the pupil is
4 medically unable to attend regular classroom instruction; ~~and~~
5 (2) for up to 3 months following the birth of the child or a
6 miscarriage; (3) when the pupil must care for his or her ill
7 child if (i) the child's physician, physician assistant, or
8 advanced practice registered nurse has indicated to the
9 district, in writing, that the child has a serious health
10 condition, (ii) the pupil or the pupil's parent or guardian
11 indicates to the district, in writing, that the pupil is needed
12 to provide care to the child, and (iii) alternative care for
13 the child that is adequate and affordable is unavailable; or
14 (4) when the pupil must treat physical or mental health
15 complications or address safety concerns arising from
16 gender-based violence if the pupil's domestic or sexual
17 violence organization, as defined in Article 26A, or health
18 care provider has indicated to the district, in writing, that
19 the care is needed by the pupil and will cause the pupil's
20 absence from school for one or more weeks. The instruction
21 course shall be designed to offer educational experiences that
22 are equivalent to those given to pupils at the same grade level
23 in the district and that are designed to enable the pupil to
24 return to the classroom. In this subsection (a), "serious
25 health condition" means an illness, injury, impairment, or
26 physical or mental health condition that involves inpatient

1 care in a hospital, hospice, or residential medical care
2 facility or continuing treatment by a health care provider.

3 (b) Notwithstanding any other provision of law to the
4 contrary, if a pupil is unable to attend regular classes
5 because of the reasons set forth in this Section and has
6 participated in instruction under this Section that is
7 administered by the school or school district, then the pupil
8 may not be penalized for grading purposes or be denied course
9 completion, a return to regular classroom instruction, grade
10 level advancement, or graduation solely on the basis of the
11 pupil's participation in instruction under this Section or the
12 pupil's absence from the regular education program during the
13 period of instruction under this Section. A school or school
14 district may not use instruction under this Section to replace
15 making reasonable accommodations so that pupils who are
16 parents, expectant parents, or victims of gender-based
17 violence may receive regular classroom instruction.

18 (Source: P.A. 100-443, eff. 8-25-17.)

19 (105 ILCS 5/13A-11)

20 Sec. 13A-11. Chicago public schools.

21 (a) The Chicago Board of Education may establish
22 alternative schools within Chicago and may contract with third
23 parties for services otherwise performed by employees,
24 including those in a bargaining unit, in accordance with
25 Sections 34-8.1, 34-18, and 34-49.

1 (b) Alternative schools operated by third parties within
2 Chicago shall be exempt from all provisions of this Code,
3 except provisions concerning:

4 (1) student civil rights;

5 (2) staff civil rights;

6 (3) health and safety;

7 (4) performance and financial audits;

8 (5) the assessments required under Section 2-3.64a-5
9 of this Code;

10 (6) Chicago learning outcomes;

11 (7) Sections 2-3.25a through 2-3.25j of this Code;

12 (8) the Inspector General; ~~and~~

13 (9) Section 34-2.4b of this Code; and ~~-~~

14 (10) Article 26A and any other provision of this Code
15 concerning youth who are parents, expectant parents, or
16 victims of gender-based violence, as defined in Article
17 26A.

18 (Source: P.A. 98-972, eff. 8-15-14.)

19 (105 ILCS 5/22-60)

20 Sec. 22-60. Unfunded mandates prohibited.

21 (a) No public school district or private school is
22 obligated to comply with the following types of mandates unless
23 a separate appropriation has been enacted into law providing
24 full funding for the mandate for the school year during which
25 the mandate is required:

1 (1) Any mandate in this Code enacted after the
2 effective date of this amendatory Act of the 96th General
3 Assembly.

4 (2) Any regulatory mandate promulgated by the State
5 Board of Education and adopted by rule after the effective
6 date of this amendatory Act of the 96th General Assembly
7 other than those promulgated with respect to this Section
8 or statutes already enacted on or before the effective date
9 of this amendatory Act of the 96th General Assembly.

10 (b) If the amount appropriated to fund a mandate described
11 in subsection (a) of this Section does not fully fund the
12 mandated activity, then the school district or private school
13 may choose to discontinue or modify the mandated activity to
14 ensure that the costs of compliance do not exceed the funding
15 received.

16 Before discontinuing or modifying the mandate, the school
17 district shall petition its regional superintendent of schools
18 on or before February 15 of each year to request to be exempt
19 from implementing the mandate in a school or schools in the
20 next school year. The petition shall include all legitimate
21 costs associated with implementing and operating the mandate,
22 the estimated reimbursement from State and federal sources, and
23 any unique circumstances the school district can verify that
24 exist that would cause the implementation and operation of such
25 a mandate to be cost prohibitive.

26 The regional superintendent of schools shall review the

1 petition. In accordance with the Open Meetings Act, he or she
2 shall convene a public hearing to hear testimony from the
3 school district and interested community members. The regional
4 superintendent shall, on or before March 15 of each year,
5 inform the school district of his or her decision, along with
6 the reasons why the exemption was granted or denied, in
7 writing. The regional superintendent must also send
8 notification to the State Board of Education detailing which
9 school districts requested an exemption and the results.

10 If the regional superintendent grants an exemption to the
11 school district, then the school district is relieved from the
12 requirement to establish and implement the mandate in the
13 school or schools granted an exemption for the next school
14 year. If the regional superintendent of schools does not grant
15 an exemption, then the school district shall implement the
16 mandate in accordance with the applicable law or rule by the
17 first student attendance day of the next school year. However,
18 the school district or a resident of the school district may on
19 or before April 15 appeal the decision of the regional
20 superintendent to the State Superintendent of Education. The
21 State Superintendent shall hear appeals on the decisions of
22 regional superintendents of schools no later than May 15 of
23 each year. The State Superintendent shall make a final decision
24 at the conclusion of the hearing on the school district's
25 request for an exemption from the mandate. If the State
26 Superintendent grants an exemption, then the school district is

1 relieved from the requirement to implement a mandate in the
2 school or schools granted an exemption for the next school
3 year. If the State Superintendent does not grant an exemption,
4 then the school district shall implement the mandate in
5 accordance with the applicable law or rule by the first student
6 attendance day of the next school year.

7 If a school district or private school discontinues or
8 modifies a mandated activity due to lack of full funding from
9 the State, then the school district or private school shall
10 annually maintain and update a list of discontinued or modified
11 mandated activities. The list shall be provided to the State
12 Board of Education upon request.

13 (c) This Section does not apply to (i) any new statutory or
14 regulatory mandates related to revised learning standards
15 developed through the Common Core State Standards Initiative
16 and assessments developed to align with those standards or
17 actions specified in this State's Phase 2 Race to the Top Grant
18 application if the application is approved by the United States
19 Department of Education, ~~or~~ (ii) new statutory or regulatory
20 mandates from the Race to the Top Grant through the federal
21 American Recovery and Reinvestment Act of 2009 imposed on
22 school districts designated as being in the lowest performing
23 5% of schools within the Race to the Top Grant application, or
24 (iii) any changes made by this amendatory Act of the 101st
25 General Assembly.

26 (d) In any instances in which this Section conflicts with

1 the State Mandates Act, the State Mandates Act shall prevail.

2 (Source: P.A. 96-1441, eff. 8-20-10.)

3 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

4 Sec. 26-2a. A "truant" is defined as a child who is subject
5 to compulsory school attendance and who is absent without valid
6 cause, as defined under this Section, from such attendance for
7 more than 1% but less than 5% of the past 180 school days.

8 "Valid cause" for absence shall be illness; attendance at a
9 pregnancy-related medical appointment; observance of a
10 religious holiday; death in the immediate family; family
11 emergency; fulfillment of a student's parenting
12 responsibility, including, but not limited to, arranging and
13 providing child care, caring for the student's sick child, or
14 attending medical appointments for the student's child; or
15 addressing circumstances resulting from gender-based violence,
16 as defined in Article 26A, including, but not limited to,
17 experiencing gender-based violence, recovering from physical
18 or psychological injuries, seeking medical attention, seeking
19 services from a domestic or sexual violence organization, as
20 defined in Article 26A, seeking psychological or other
21 counseling, participating in safety planning, temporarily or
22 permanently relocating, seeking legal assistance or remedies,
23 or taking any other action to increase the safety or health of
24 the student or to protect the student from future gender-based
25 violence and shall include such other situations beyond the

1 control of the student as determined by the board of education
2 in each district, or such other circumstances which cause
3 reasonable concern to the parent for the mental, emotional, or
4 physical health or safety of the student.

5 "Chronic or habitual truant" shall be defined as a child
6 who is subject to compulsory school attendance and who is
7 absent without valid cause from such attendance for 5% or more
8 of the previous 180 regular attendance days.

9 "Truant minor" is defined as a chronic truant to whom
10 supportive services, including prevention, diagnostic,
11 intervention and remedial services, alternative programs and
12 other school and community resources have been provided and
13 have failed to result in the cessation of chronic truancy, or
14 have been offered and refused.

15 A "dropout" is defined as any child enrolled in grades 9
16 through 12 whose name has been removed from the district
17 enrollment roster for any reason other than the student's
18 death, extended illness, removal for medical non-compliance,
19 expulsion, aging out, graduation, or completion of a program of
20 studies and who has not transferred to another public or
21 private school and is not known to be home-schooled by his or
22 her parents or guardians or continuing school in another
23 country.

24 "Religion" for the purposes of this Article, includes all
25 aspects of religious observance and practice, as well as
26 belief.

1 (Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18;
2 revised 10-4-18.)

3 (105 ILCS 5/Art. 26A heading new)

4 ARTICLE 26A. CHILDREN AND YOUTH WHO ARE PARENTS, EXPECTANT
5 PARENTS, OR VICTIMS OF GENDER-BASED VIOLENCE

6 (105 ILCS 5/26A-1 new)

7 Sec. 26A-1. Short title and application. This Article may
8 be referred to as the Ensuring Success in School Law. This
9 Article applies to all school districts and schools governed by
10 this Code, including those under Articles 13, 13A, 13B, 27A,
11 32, 33, and 34.

12 (105 ILCS 5/26A-5 new)

13 Sec. 26A-5. Purpose. The purpose of this Article is to
14 ensure that Illinois schools have policies, procedures, and
15 protocols in place that ensure children and youth who are
16 parents, expectant parents, or victims of gender-based
17 violence are identified by schools in a manner respectful of
18 their privacy and safety, treated with dignity and regard, and
19 provided the protection, instruction, and related
20 accommodations and services necessary to enable them to meet
21 State educational standards and successfully attain a high
22 school diploma. This Article shall be interpreted liberally to
23 aid in this purpose.

1 (105 ILCS 5/26A-10 new)

2 Sec. 26A-10. Definitions. In this Article:

3 "Consent" includes, at a minimum, a recognition that (i)
4 consent is a freely given agreement to sexual activity or other
5 gender-based violence activity, (ii) a youth's lack of verbal
6 or physical resistance or submission resulting from the use of
7 threat of force does not constitute consent, (iii) a youth's
8 manner of dress does not constitute consent, (iv) a youth's
9 consent to past sexual activity or other gender-based violence
10 activity does not constitute consent to future sexual activity
11 or gender-based violence activity, (v) a youth's consent to
12 engage in sexual activity or other gender-based violence
13 activity does not constitute consent to engage in sexual
14 activity or other gender-based violence activity with another,
15 (vi) a youth can withdraw consent at any time, and (vii) a
16 youth cannot consent to sexual activity or other gender-based
17 violence activity if that youth is unable to understand the
18 nature of the activity or give knowing consent due to
19 circumstances that include, but are not limited to, all of the
20 following:

21 (1) The youth is incapacitated due to the use or
22 influence of alcohol or drugs.

23 (2) The youth is asleep or unconscious.

24 (3) The youth is under age.

25 (4) The youth is incapacitated due to a mental

1 disability.

2 "Domestic or sexual violence organization" means a
3 nonprofit, nongovernmental organization that provides
4 assistance to victims of gender-based violence or advocates for
5 those victims, including an organization carrying out a
6 domestic or sexual violence or other gender-based violence
7 program, an organization operating a shelter or a rape crisis
8 center or providing counseling services, or an organization
9 seeking to eliminate gender-based violence or to address the
10 consequences of that violence for its victims through
11 legislative advocacy or policy change, public education, or
12 service collaboration.

13 "Domestic violence" means abuse, as defined in Section 103
14 of the Illinois Domestic Violence Act of 1986, by a family or
15 household member, as defined in Section 103 of the Illinois
16 Domestic Violence Act of 1986.

17 "Electronic communication" includes communication via
18 telephone, mobile phone, computer, email, video recorder, fax
19 machine, telex, pager, apps or applications, or any other
20 electronic communication or cyberstalking as defined in
21 Section 12-7.5 of the Criminal Code of 2012.

22 "Expectant parent" means a youth who is pregnant or a youth
23 who intends to act as a parent and who has not yet received a
24 diploma for completion of a secondary education as defined in
25 Section 22-22.

26 "Gender-based violence" means domestic violence,

1 harassment, sexual assault, sexual violence, or stalking.
2 Gender-based violence may occur through electronic
3 communication. Gender-based violence exists regardless of when
4 or where the violence occurred, whether or not the violence is
5 the subject of a criminal investigation or the perpetrator has
6 been criminally charged or convicted of a crime, whether or not
7 an order of protection or a no-contact order is pending before
8 or has been issued by a court, or whether or not any
9 gender-based violence took place on school grounds, during
10 regular school hours, or during a school-sponsored event. Under
11 federal and State law, children and youth under the age of 18
12 year may not consent to many of the acts or activities that
13 constitute gender-based violence.

14 "Harassment" means any harassment or discrimination on the
15 basis of an individual's actual or perceived sex or gender,
16 including unwelcome sexual advances, requests for sexual
17 favours, other verbal or physical conduct of a sexual nature, or
18 unwelcome conduct, including verbal, nonverbal, or physical
19 conduct that is not sexual in nature, but is related to a
20 student's status as a parent, expectant parent, or victim of
21 gender-based violence.

22 "Parent", as it relates to a student, means a student who
23 is a custodial or a noncustodial parent taking an active role
24 in the care and supervision of a child and who has not yet
25 received a diploma for completion of a secondary education, as
26 defined in Section 22-22.

1 "Perpetrator" means an individual who commits or is alleged
2 to have committed any act of gender-based violence.

3 "Poor academic performance" means a student who has (i)
4 scored in the 50th percentile or below on a school
5 district-administered standardized test, (ii) received a score
6 on a State assessment that does not meet standards in one or
7 more of the fundamental learning areas under Section 27-1, as
8 applicable for the student's grade level, or (iii) not met
9 grade-level expectations on a school district-designed
10 assessment.

11 "School", for purposes of the provisions of this Article
12 relating to children and youth who are parents, expectant
13 parents, or victims of gender-based violence, includes, but is
14 not limited to, (i) a public or State-operated elementary or
15 secondary school, (ii) a school operated pursuant to an
16 agreement with a public school district, including a
17 cooperative or joint agreement with a governing body or board
18 of control, (iii) a charter school operating in compliance with
19 the Charter Schools Law, (iv) a school operated under Section
20 13A-3, (v) an alternative school operated by third parties
21 within the City of Chicago under Section 13A-11, (vi) an
22 alternative learning opportunities program operated under
23 Article 13B, (vii) a public school administered by a local
24 public agency or the Department of Human Services operating
25 pursuant to the authority of this Code, and (viii) any schools
26 otherwise subject to Article 13, 13A, 13B, 27A, 32, 33, or 34.

1 "School district", for purposes of the provisions of this
2 Article relating to youth who are parents, expectant parents,
3 or victims of domestic or sexual violence, means any public
4 entity responsible for administering schools, including school
5 districts subject to Article 13, 13A, 13B, 27A, 32, 33, or 34,
6 or any other entity responsible for administering public
7 schools, such as cooperatives, joint agreements, charter
8 schools, special charter districts, regional offices of
9 education, local agencies, or the Department of Human Services.

10 "Sexual assault" means any conduct of an adult or minor
11 child proscribed in Article 11 of the Criminal Code of 2012,
12 except for Sections 11-35 and 11-45 of the Criminal Code of
13 2012, or similar provisions of the Criminal Code of 1961,
14 including conduct committed by perpetrators who are strangers
15 to the victim and conduct committed by perpetrators who are
16 known or related by blood or marriage to the victim.

17 "Stalking" means any conduct proscribed in Section 12-7.3,
18 12-7.4, or 12-7.5 of the Criminal Code of 2012, or similar
19 provisions of the Criminal Code of 1961, including stalking
20 committed by perpetrators who are strangers to the victim and
21 stalking committed by perpetrators who are known or related by
22 blood or marriage to the victim.

23 "Student" or "pupil" means any child or youth enrolled,
24 eligible to enroll, or previously enrolled in a school who has
25 not yet received a diploma for completion of a secondary
26 education, as defined in Section 22-22.

1 "Student at risk of academic failure" means a student who
2 is at risk of failing to meet Illinois Learning Standards or
3 failing to graduate from elementary or high school and who
4 demonstrates a need for educational support or social services
5 beyond those provided by the regular school program.

6 "Victim" means an individual who has been subjected to one
7 or more acts of gender-based violence.

8 "Youth" means a child, pupil, student, or juvenile below
9 the age of 21 years who has not yet completed his or her
10 prescribed course of study or has not received a diploma for
11 completion of a secondary education, as defined in Section
12 22-22. "Youth" includes, but is not limited to, unaccompanied
13 youth not in the physical custody of a parent or guardian.

14 (105 ILCS 5/26A-15 new)

15 Sec. 26A-15. Ensuring Success in School working group.

16 (a) The State Board of Education must create the Ensuring
17 Success in School working group comprised of all of the
18 following members, representative of the geographic, racial,
19 ethnic, and cultural diversity of this State and appointed by
20 the State Board:

21 (1) Representatives of the State Board.

22 (2) Educators.

23 (3) School social workers.

24 (4) School counselors.

25 (5) Psychologists.

1 (6) Representatives of domestic or sexual violence
2 organizations in this State, including those organizations
3 that provide services to or advocate on behalf of youth who
4 are lesbian, gay, bi-sexual, transgender, or gender
5 nonconforming, or nonprofit, nongovernmental,
6 community-based pregnant or parenting youth organizations.

7 (7) Youth who are parents or expectant parents.

8 (8) Youth who are victims of gender-based violence.

9 (b) The working group must advise the State Board on the
10 implementation, monitoring, and evaluation of this Article by
11 schools and school districts, including, but not limited to,
12 the development of policies, procedures, and protocols to be
13 implemented by schools and school districts.

14 (c) Members of the working group shall serve without
15 compensation, but may be reimbursed for their travel expenses
16 from appropriations to the State Board made available for that
17 purpose and subject to the rules of the appropriate travel
18 control board.

19 (105 ILCS 5/26A-20 new)

20 Sec. 26A-20. Review and revision of policies and
21 procedures.

22 (a) No later than July 1, 2020, and every 2 years
23 thereafter, each school district must review all existing
24 policies and procedures and must revise any existing policies
25 and procedures that may act as a barrier to the immediate

1 enrollment and re-enrollment, attendance, graduation, and
2 success in school of any youth who is a parent, expectant
3 parent, or victim of gender-based violence or any policies or
4 procedures that may compromise a criminal investigation
5 relating to gender-based violence or may re-victimize the
6 youth. A school district must adopt new policies and
7 procedures, as needed, to implement this Section and to ensure
8 that immediate and effective steps are taken to respond to
9 youth who are parents, expectant parents, or victims of
10 gender-based violence.

11 (b) A school district must confer with persons with
12 expertise in youth who are parents or expectant parents and
13 with persons with expertise in youth who are victims of
14 gender-based violence, including domestic and sexual violence
15 organizations, in (i) the review and revision and the adoption
16 and implementation of new policies and procedures under this
17 Section, including those policies and procedures related to
18 confidentiality, parental involvement, and a youth's
19 health-related or safety-related concerns in connection with
20 notifying a parent or guardian and (ii) the development and
21 distribution of materials related to those youth, including
22 outreach to youth not in school. A school district must ensure
23 that all materials distributed to youth are age appropriate and
24 culturally responsive and that youth are notified of and
25 understand the school district's policies and procedures,
26 including how and to whom to report any incident of

1 gender-based violence.

2 (c) A school district's policy on the procedures that a
3 youth or his or her parent or guardian may follow if he or she
4 chooses to report an incident of alleged gender-based violence
5 must, at a minimum, include all of the following:

6 (1) The name and contact information for gender-based
7 violence and parenting resource personnel and the Title IX
8 coordinator, school and school district resource officers
9 or security, local law enforcement officials, and a
10 community-based domestic or sexual violence organization.

11 (2) The name, title, and contact information for
12 confidential advisors or other confidential resources and
13 a description of what confidential reporting means.

14 (3) Information regarding the various individuals,
15 departments, or organizations to whom a youth may report an
16 incident of gender-based violence, specifying for each
17 individual or entity (i) the extent of the individual's or
18 entity's reporting obligation to the school or school
19 district's administration, Title IX coordinator, or other
20 personnel or entity, (ii) the individual's or entity's
21 ability to protect the youth's privacy, and (iii) the
22 extent of the individual's or entity's ability to have
23 confidential communications with the youth or his or her
24 parent or guardian.

25 (4) An option for the youth or his or her parent or
26 guardian to electronically report the incident.

1 (5) An option for the youth or his or her parent or
2 guardian to anonymously report the incident.

3 (6) An option for the youth or his or her parent or
4 guardian to confidentially report the incident.

5 (7) An option for reports by third parties and
6 bystanders.

7 (8) The adoption of a complaint resolution procedure as
8 provided in Section 26A-25.

9 (d) A school district must post its revised policies and
10 procedures on its website, distribute them in written form at
11 the beginning of each school year to each student, and make
12 copies available to each student and his or her parent or
13 guardian for inspection and copying at no cost to the student
14 or parent or guardian at each school within a school district.

15 (105 ILCS 5/26A-25 new)

16 Sec. 26A-25. Complaint resolution procedure. On or before
17 July 1, 2020, each school district must adopt one procedure to
18 resolve complaints of alleged incidents of
19 student-perpetrated, gender-based violence. These procedures
20 shall comply with the confidentiality provisions of Sections
21 26A-20 and 26A-30. The procedure must include, at a minimum,
22 all of the following:

23 (1) Complainants alleging incidents of
24 student-perpetration of gender-based violence must have
25 the opportunity to request that the complaint resolution

1 procedure begin promptly and proceed in a timely manner.

2 (2) A school district must determine the individuals
3 who will resolve complaints of alleged incidents of
4 student-perpetrated, gender-based violence.

5 (3) All individuals whose duties include resolution of
6 complaints of alleged incidents of student-perpetrated,
7 gender-based violence must receive a minimum of 10 hours of
8 annual training on issues related to gender-based violence
9 and how to conduct the school district's complaint
10 resolution procedure, in addition to the in-service
11 training required under subsection (d) of Section
12 10-22.39.

13 (4) Each school district must have a sufficient number
14 of individuals trained to resolve complaints so that (i) a
15 substitution can occur in the case of a conflict of
16 interest or recusal and (ii) an individual with no prior
17 involvement in the initial determination or finding may
18 hear any appeal brought by a party.

19 (5) An individual resolving a complaint must use a
20 preponderance of the evidence standard to determine if the
21 alleged incident of student-perpetrated, gender-based
22 violence occurred.

23 (6) The complainant and respondent shall (i) receive
24 notice of the name of the individual with authority to make
25 a finding or impose a sanction in the proceeding before the
26 individual may initiate contact with either party and (ii)

1 have the opportunity to request a substitution if the
2 participation of an individual with authority to make a
3 finding or impose a sanction poses a conflict of interest.

4 (7) Each school district must have a procedure to
5 determine interim protective measures and accommodations
6 available pending the resolution of the complaint.

7 (8) Any proceeding, meeting, or hearing held to resolve
8 complaints of alleged incidents of student perpetrated,
9 gender-based violence must protect the privacy of the
10 participating parties and witnesses.

11 (9) The complainant, regardless of his or her level of
12 involvement in the complaint resolution procedure, and the
13 respondent must have the opportunity to provide or present
14 evidence and witnesses on their behalf during the complaint
15 resolution procedure.

16 (10) The complainant and the respondent may not
17 directly cross-examine one another, but may, at the
18 discretion and direction of the individual resolving the
19 complaint, suggest questions to be posed by the individual
20 resolving the complaint and respond to the other party.

21 (11) Each party may request and must be allowed to have
22 an advisor of his or her choice accompany him or her to any
23 meeting or proceeding related to the alleged incident of
24 student-perpetrated, gender-based violence if the
25 involvement of the advisor does not result in undue delay
26 of the meeting or proceeding. The advisor must comply with

1 any rules of the school district's complaint resolution
2 procedure regarding the advisor's role. If the advisor
3 violates the rules or engages in behavior or advocacy that
4 harasses, abuses, or intimidates either party, a witness,
5 or an individual resolving the complaint, that advisor may
6 be prohibited from further participation in the meeting or
7 proceeding.

8 (12) If the complaint resolution procedure involves a
9 hearing, the complainant and the respondent may not be
10 compelled to testify in the presence of the other party. If
11 a party invokes this right, the school district must
12 provide a procedure by which each party may, at a minimum,
13 hear the other party's testimony.

14 (13) The complainant and the respondent are entitled to
15 simultaneous, written notification of the results of the
16 complaint resolution procedure, including information
17 regarding appeal rights, within 7 days after a decision or
18 sooner if required by State or federal law.

19 (14) The complainant and the respondent must, at a
20 minimum, have the right to timely appeal the complaint
21 resolution procedure's findings or imposed sanctions if a
22 party alleges that (i) a procedural error occurred, (ii)
23 new information exists that would substantially change the
24 outcome of the finding, or (iii) the sanction is
25 disproportionate to the violation. An individual reviewing
26 the findings or imposed sanctions may not have previously

1 participated in the complaint resolution procedure and may
2 not have a conflict of interest with either party. The
3 complainant and the respondent must receive the appeal
4 decision, in writing, within 7 days after the conclusion of
5 the review of findings or sanctions or sooner if required
6 by federal or State law.

7 (15) A school district may not disclose the identity of
8 the victim of gender-based violence or the respondent,
9 except as necessary to resolve the complaint or to
10 implement interim protective measures and accommodations
11 or when required by State or federal law.

12 (105 ILCS 5/26A-30 new)

13 Sec. 26A-30. Confidentiality.

14 (a) Each school district must adopt and implement a policy
15 and protocol to ensure that all information concerning a
16 youth's status and related experiences as a parent, expectant
17 parent, or victim of gender-based violence provided to or
18 otherwise obtained by the school district or its employees or
19 agents pursuant to this Code or otherwise, including a
20 statement of the youth or any other documentation, record, or
21 corroborating evidence or that the youth has requested or
22 obtained assistance, accommodations, or services pursuant to
23 this Code, shall be retained in the strictest confidence by the
24 school district or its employees or agents and may not be
25 disclosed to any other individual, including any other

1 employee, except to the extent that disclosure is (i) requested
2 or consented to in writing by the youth or the youth's parent
3 or guardian if it is safe to obtain written consent from the
4 youth's parent or guardian or (ii) otherwise required by
5 applicable federal or State law, including the Abused and
6 Neglected Child Reporting Act and professional ethics policies
7 that govern school personnel.

8 (b) Prior to disclosing information about a youth's status
9 as a parent, expectant parent, or victim of gender-based
10 violence, a school must notify the youth and discuss and
11 address any safety concerns related to the disclosure,
12 including instances where the youth indicates or the school or
13 school district or its employees or agents are otherwise aware
14 that the youth's health or safety may be at risk if his or her
15 status is disclosed to the youth's parent or guardian, except
16 as otherwise required by applicable federal or State law,
17 including the Abused and Neglected Child Reporting act and
18 professional ethics policies that govern the professional
19 school personnel.

20 (c) No youth may be required to testify publicly concerning
21 his or her status as a victim of gender-based violence,
22 allegations of gender-based violence, his or her status as a
23 parent or expectant parent, or the youth's efforts to enforce
24 any of his or her rights under provisions in this Code relating
25 to youth who are parents, expectant parents, or victims of
26 gender-based violence.

1 (d) In the case of gender-based violence, a school district
2 may not contact the person named to be the perpetrator, the
3 perpetrator's family, or any other person named by the youth or
4 named by the youth's parent or guardian to be unsafe to contact
5 to verify the violence. A school district may not contact the
6 perpetrator, the perpetrator's family, or any other person
7 named by the youth or the youth's parent or guardian to be
8 unsafe for any other reason without written permission from the
9 youth or his or her parent or guardian. Permission from the
10 youth's parent or guardian may not be pursued if the youth
11 alleges that his or her health or safety would be threatened if
12 the school or school district contacts the youth's parent or
13 guardian to obtain written permission.

14 (e) A school district must take all actions necessary to
15 comply with this Section no later than January 1, 2020.

16 (105 ILCS 5/26A-35 new)

17 Sec. 26A-35. Gender-based violence and parenting resource
18 personnel.

19 (a) Each school district shall designate or appoint at
20 least one staff person at each school in the district who is
21 employed at least part-time at the school and who is a school
22 social worker, school psychologist, school counselor, school
23 nurse, school teacher, or school administrator trained to
24 address, in a culturally responsive, confidential, and
25 sensitive manner, the needs of youth who are parents, expectant

1 parents, or victims of gender-based violence. The designated or
2 appointed staff person must have all of the following duties:

3 (1) Communicate with and listen to youth who are
4 parents, expectant parents, or victims of gender-based
5 violence.

6 (2) Connect youth described in paragraph (1) to
7 appropriate, in-school services or other agencies,
8 programs, or services as needed.

9 (3) Coordinate and monitor the implementation of the
10 school's and school district's policies, procedures, and
11 protocols in cases involving student allegations of
12 gender-based violence.

13 (4) Coordinate and monitor the implementation of the
14 school's and school district's policies, procedures, and
15 protocols as set forth in provisions of this Code
16 concerning youth who are parents, expectant parents, or
17 victims of gender-based violence.

18 (5) Assist youth described in paragraph (1) in their
19 efforts to exercise and preserve their rights as set forth
20 in provisions of this Code concerning youth who are
21 parents, expectant parents, or victims of gender-based
22 violence.

23 (6) Assist in providing staff development to establish
24 a positive and sensitive learning environment for youth
25 described in paragraph (1).

26 (b) A member of staff who is designated or appointed under

1 subsection (a) must (i) be trained to understand, provide
2 information and referrals, and address issues pertaining to
3 youth who are parents, expectant parents, or victims of
4 gender-based violence, including the theories and dynamics of
5 domestic and sexual violence, the necessity for
6 confidentiality and the law, policy, procedures, and protocols
7 implementing confidentiality, and the notification to the
8 youth's parent or guardian regarding the youth's status as a
9 parent, expectant parent, or victim of gender-based violence or
10 the enforcement of the youth's rights under this Code if the
11 notice of the youth's status or the involvement of the youth's
12 parent or guardian may put the health or safety of the youth at
13 risk, including the rights of minors to consent to counseling
14 services and psychotherapy under the Mental Health and
15 Developmental Disabilities Code, or (ii) at a minimum, have
16 participated in an in-service training program under
17 subsection (d) of Section 10-22.39 that includes training on
18 the rights of minors to consent to counseling services and
19 psychotherapy under the Mental Health and Developmental
20 Disabilities Code within 12 months prior to his or her
21 designation or appointment.

22 (c) A school district must designate or appoint and train
23 all gender-based violence and parenting resource personnel,
24 and the personnel must assist in implementing the duties
25 described in this Section no later than April 1, 2020, except
26 in those school districts in which there exists a collective

1 bargaining agreement on the effective date of this amendatory
2 Act of the 101st General Assembly and the implementation of
3 this Section would be a violation of that collective bargaining
4 agreement. If implementation of some activities required under
5 this Section is prevented by an existing collective bargaining
6 agreement, a school district must comply with this Section to
7 the fullest extent allowed by the existing collective
8 bargaining agreement no later than April 1, 2020. In those
9 instances in which a collective bargaining agreement that
10 either fully or partially prevents full implementation of this
11 Section expires after April 1, 2020, a school district must
12 designate or appoint and train all gender-based and parenting
13 resource personnel, who shall implement the duties described in
14 this Section no later than the effective date of the new
15 collective bargaining agreement that immediately succeeds the
16 collective bargaining agreement in effect at the time this
17 Section becomes effective.

18 (105 ILCS 5/26A-40 new)

19 Sec. 26A-40. Accommodations, adjustments, and services.

20 (a) To facilitate the full participation of youth who are
21 parents, expectant parents, or victims of gender-based
22 violence, each school district must provide those youth with
23 reasonable accommodations and adjustments in school policy and
24 practice, in-school support services, access to non-school
25 based support services, and the ability to make up work missed

1 on account of circumstances related to the youth's status as a
2 parent, expectant parent, or victim of gender-based violence.
3 Victims of gender-based violence must have access to those
4 accommodations, adjustments, and services regardless of when
5 or where the violence for which they are seeking
6 accommodations, adjustments, or services occurred. All
7 accommodations, adjustments, and services must be continued
8 for as long as necessary to maintain the mental and physical
9 well-being and safety of the youth.

10 (b) Reasonable accommodations and adjustments provided
11 under subsection (a) shall include, but are not limited to, (i)
12 the provision of sufficiently private settings to ensure
13 confidentiality and time off from class for meetings with
14 counselors or other service providers, (ii) assisting the youth
15 in creating a student success plan, (iii) transfer of a victim
16 of gender-based violence or the student perpetrator to a
17 different classroom or school, (iv) change of seating
18 assignment, (v) implementation of in-school, school grounds,
19 and bus safety procedures, (vi) honoring court orders,
20 including orders of protection and no-contact orders, and (vii)
21 any other accommodation that may facilitate the full
22 participation in the regular education program of youth who are
23 parents, expectant parents, or victims of gender-based
24 violence.

25 (c) If a youth who is a parent, expectant parent, or victim
26 of gender-based violence is a student at risk of academic

1 failure or displays poor academic performance, the youth or the
2 youth's parent or guardian may request that the school district
3 provide the youth with or refer the youth to education and
4 support services designed to assist the youth in meeting State
5 learning standards. A school district may either provide
6 education or support services directly or may collaborate with
7 public or private State, local, or community-based
8 organizations or agencies that provide these services. A school
9 district must also assist those youth in accessing the support
10 services of non-school based organizations and agencies where
11 those youth typically receive services in the community.

12 (d) Any youth who is unable, because of circumstances
13 related to the youth's status as a parent, expectant parent, or
14 victim of gender-based violence, to participate in classes on a
15 particular day or days or at a particular time of day must be
16 excused from any examination or any study or work assignments
17 on that particular day or days or at that particular time of
18 day. It is the responsibility of the teachers and of the school
19 administrative personnel and officials to make available to
20 each youth who is unable to participate because of
21 circumstances related to the youth's status as a parent,
22 expectant parent, or victim of gender-based violence a
23 meaningful opportunity to make up any examination, study, or
24 work requirement that the youth has missed because of the
25 inability to participate on any particular day or days or at
26 any particular time of day. Costs assessed by a school district

1 on the youth for participation in those activities shall be
2 considered savable fees for any youth whose parent or guardian
3 is unable to afford them, consistent with the provisions of
4 Section 10-20.13. Each school district must adopt written
5 policies and procedures for waiver of those fees in accordance
6 with rules adopted by the State Board of Education.

7 (e) When a school or school district employee or agent
8 becomes aware of or suspects a youth's status as a parent,
9 expectant parent, or victim of gender-based violence, it is the
10 responsibility of the employee or agent of the school or school
11 district to inform the youth of the available services and
12 accommodations at the school and in the community that may
13 assist the youth in maintaining the youth's full educational
14 participation and the youth's successful performance. The
15 school or school district employee or agent must also refer the
16 youth to the school district's specially trained personnel as
17 set forth in Section 26A-35. A school district must make
18 respecting a youth's privacy, confidentiality, mental and
19 physical health, and safety a paramount concern.

20 (f) Each school must honor a youth's decision to obtain
21 education and support services, accommodations, and non-school
22 based support services, to terminate the receipt of those
23 education and support services, accommodations, or non-school
24 based support services, or to decline participation in those
25 education and support services, accommodations, and non-school
26 based support services. No youth is obligated to use education

1 and support services, accommodations, or non-school based
2 support services. In developing accommodations, adjustments,
3 or educational support services, the privacy, mental and
4 physical health, and safety of the youth shall be the paramount
5 concern. No adverse or prejudicial effects may result to any
6 youth because of the youth's availing of or declining the
7 provisions of this Section.

8 (g) Any support services to youth receiving education and
9 support services must be available in any school or by home or
10 hospital instruction.

11 (h) Individual, peer, group, and family counseling
12 services or psychotherapy must be made available to youth who
13 are parents, expectant parents, or victims of gender-based
14 violence consistent with the provisions of the Mental Health
15 and Developmental Disabilities Code. At least once every school
16 year, each school district must inform in writing all school
17 personnel and all students 12 years of age or older of the
18 availability of counseling without parental or guardian
19 consent under Section 3-5A-105 of the Mental Health and
20 Developmental Disabilities Code. This information must also be
21 provided to students immediately after any school personnel
22 becomes aware that a student is a parent, expectant parent, or
23 victim of gender-based violence.

24 (i) All domestic or sexual violence organizations and its
25 staff and any other non-school organization and its staff shall
26 maintain confidentiality pursuant to federal and State laws and

1 their professional ethics policies regardless of when or where
2 information, advice, counseling, or any other interaction with
3 students takes place. A school or school district may not
4 request or require those organizations or individuals to breach
5 confidentiality.

6 (105 ILCS 5/26A-45 new)

7 Sec. 26A-45. Assertion of rights; verification.

8 (a) For purposes of youth asserting their rights under
9 provisions relating to gender-based violence in Sections
10 10-21.3a, 10-22.6, 10-22.6a, 26-2a, 26A-40, and 34-18.24, a
11 school district may require verification of the claim.
12 Verification may not be required for a youth to be referred to
13 or to receive in-school or out-of-school services. Any one of
14 the following shall be acceptable as a form of verification of
15 a youth's claim of gender-based violence, only one of which may
16 be required by a school district, and the youth or the youth's
17 parent or guardian shall choose which form of documentation to
18 submit to the school district:

19 (1) A written statement from the youth or anyone who
20 has knowledge of the circumstances that support the youth's
21 claim. This may be in the form of a complaint.

22 (2) A police report, government agency record, or court
23 record.

24 (3) A statement or other documentation from a domestic
25 or sexual violence organization or any other organization

1 from which the youth sought services or advice.

2 (4) Documentation from a lawyer, clergy person,
3 medical professional, or other professional from whom the
4 youth sought gender-based violence services or advice.

5 (5) Any other evidence, such as physical evidence of
6 violence, that supports the claim.

7 All forms of verification received by a school district
8 under this subsection must be kept in a temporary file.

9 (b) A youth or a youth's parent or guardian who has
10 provided acceptable verification that the youth is or has been
11 a victim of gender-based violence may not be required to
12 provide any additional verification if the youth's efforts to
13 assert rights under this Code stem from a claim involving the
14 same perpetrator or the same incident of violence. No school or
15 school district shall request or require additional
16 documentation.

17 (c) The person named to be the perpetrator, the
18 perpetrator's family, or any other person named by the youth or
19 named by the youth's parent or guardian to be unsafe to contact
20 may not be contacted to verify the violence. The perpetrator,
21 the perpetrator's family, or any other person named by the
22 youth or the youth's parent or guardian to be unsafe may not be
23 contacted for any other reason without written permission of
24 the youth or written permission of the youth's parent or
25 guardian. Permission of the youth's parent or guardian may not
26 be pursued when the youth alleges that his or her health or

1 safety would be threatened if the school or school district
2 contacts the youth's parent or guardian to obtain written
3 permission.

4 (105 ILCS 5/26A-50 new)

5 Sec. 26A-50. Enforcement of provisions.

6 (a) Violations of this Article are actionable in civil
7 court. A student who is a parent, expectant parent, or victim
8 of gender-based violence has a cause of action against any
9 school or school district that fails to exercise due diligence
10 in responding to the student who is a parent, expectant parent,
11 or victim of gender-based violence whose status it knew or
12 should have known about.

13 (b) A prevailing student shall be entitled to all relief
14 that would make him or her whole. This relief may include, but
15 is not limited to, all of the following:

16 (1) Declaratory relief.

17 (2) Injunctive relief.

18 (3) Recovery of costs and attorney's fees, including,
19 but not limited to, costs for expert testimony and witness
20 fees.

21 (4) Compensatory damages, including, but not limited
22 to:

23 (A) economic loss, including damage, destruction
24 or loss of use of personal property, and loss of past
25 or future earning capacity; and

1 (B) damages for personal injury, disease, or
2 mental and emotional harm, including medical,
3 rehabilitation, pain and suffering, and physical
4 impairment.

5 (5) Punitive damages.

6 (105 ILCS 5/26A-55 new)

7 Sec. 26A-55. Prohibited practices. No school or school
8 district may take any adverse action against a student who is a
9 parent, expectant parent, or victim of gender-based violence
10 because the student or his or her parent or guardian (i)
11 exercises or attempts to exercise his or her rights under this
12 Article, (ii) opposes practices that the student or his or her
13 parent or guardian believes to be in violation of this Article,
14 or (iii) supports the exercise of the rights of another under
15 this Article. Exercising rights under this Article includes,
16 but is not limited to, filing an action, instituting or causing
17 to be instituted any proceeding under or related to this
18 Article, or in any manner requesting, availing himself or
19 herself of, or declining any of the provisions of this Article,
20 including, but not limited to, accommodations or services.

21 (105 ILCS 5/27A-5)

22 Sec. 27A-5. Charter school; legal entity; requirements.

23 (a) A charter school shall be a public, nonsectarian,
24 nonreligious, non-home based, and non-profit school. A charter

1 school shall be organized and operated as a nonprofit
2 corporation or other discrete, legal, nonprofit entity
3 authorized under the laws of the State of Illinois.

4 (b) A charter school may be established under this Article
5 by creating a new school or by converting an existing public
6 school or attendance center to charter school status. Beginning
7 on April 16, 2003 (the effective date of Public Act 93-3), in
8 all new applications to establish a charter school in a city
9 having a population exceeding 500,000, operation of the charter
10 school shall be limited to one campus. The changes made to this
11 Section by Public Act 93-3 do not apply to charter schools
12 existing or approved on or before April 16, 2003 (the effective
13 date of Public Act 93-3).

14 (b-5) In this subsection (b-5), "virtual-schooling" means
15 a cyber school where students engage in online curriculum and
16 instruction via the Internet and electronic communication with
17 their teachers at remote locations and with students
18 participating at different times.

19 From April 1, 2013 through December 31, 2016, there is a
20 moratorium on the establishment of charter schools with
21 virtual-schooling components in school districts other than a
22 school district organized under Article 34 of this Code. This
23 moratorium does not apply to a charter school with
24 virtual-schooling components existing or approved prior to
25 April 1, 2013 or to the renewal of the charter of a charter
26 school with virtual-schooling components already approved

1 prior to April 1, 2013.

2 On or before March 1, 2014, the Commission shall submit to
3 the General Assembly a report on the effect of
4 virtual-schooling, including without limitation the effect on
5 student performance, the costs associated with
6 virtual-schooling, and issues with oversight. The report shall
7 include policy recommendations for virtual-schooling.

8 (c) A charter school shall be administered and governed by
9 its board of directors or other governing body in the manner
10 provided in its charter. The governing body of a charter school
11 shall be subject to the Freedom of Information Act and the Open
12 Meetings Act.

13 (d) For purposes of this subsection (d), "non-curricular
14 health and safety requirement" means any health and safety
15 requirement created by statute or rule to provide, maintain,
16 preserve, or safeguard safe or healthful conditions for
17 students and school personnel or to eliminate, reduce, or
18 prevent threats to the health and safety of students and school
19 personnel. "Non-curricular health and safety requirement" does
20 not include any course of study or specialized instructional
21 requirement for which the State Board has established goals and
22 learning standards or which is designed primarily to impart
23 knowledge and skills for students to master and apply as an
24 outcome of their education.

25 A charter school shall comply with all non-curricular
26 health and safety requirements applicable to public schools

1 under the laws of the State of Illinois. On or before September
2 1, 2015, the State Board shall promulgate and post on its
3 Internet website a list of non-curricular health and safety
4 requirements that a charter school must meet. The list shall be
5 updated annually no later than September 1. Any charter
6 contract between a charter school and its authorizer must
7 contain a provision that requires the charter school to follow
8 the list of all non-curricular health and safety requirements
9 promulgated by the State Board and any non-curricular health
10 and safety requirements added by the State Board to such list
11 during the term of the charter. Nothing in this subsection (d)
12 precludes an authorizer from including non-curricular health
13 and safety requirements in a charter school contract that are
14 not contained in the list promulgated by the State Board,
15 including non-curricular health and safety requirements of the
16 authorizing local school board.

17 (e) Except as otherwise provided in the School Code, a
18 charter school shall not charge tuition; provided that a
19 charter school may charge reasonable fees for textbooks,
20 instructional materials, and student activities.

21 (f) A charter school shall be responsible for the
22 management and operation of its fiscal affairs including, but
23 not limited to, the preparation of its budget. An audit of each
24 charter school's finances shall be conducted annually by an
25 outside, independent contractor retained by the charter
26 school. To ensure financial accountability for the use of

1 public funds, on or before December 1 of every year of
2 operation, each charter school shall submit to its authorizer
3 and the State Board a copy of its audit and a copy of the Form
4 990 the charter school filed that year with the federal
5 Internal Revenue Service. In addition, if deemed necessary for
6 proper financial oversight of the charter school, an authorizer
7 may require quarterly financial statements from each charter
8 school.

9 (g) A charter school shall comply with all provisions of
10 this Article, the Illinois Educational Labor Relations Act, all
11 federal and State laws and rules applicable to public schools
12 that pertain to special education and the instruction of
13 English learners, and its charter. A charter school is exempt
14 from all other State laws and regulations in this Code
15 governing public schools and local school board policies;
16 however, a charter school is not exempt from the following:

17 (1) Sections 10-21.9 and 34-18.5 of this Code regarding
18 criminal history records checks and checks of the Statewide
19 Sex Offender Database and Statewide Murderer and Violent
20 Offender Against Youth Database of applicants for
21 employment;

22 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
23 34-84a of this Code regarding discipline of students;

24 (3) the Local Governmental and Governmental Employees
25 Tort Immunity Act;

26 (4) Section 108.75 of the General Not For Profit

1 Corporation Act of 1986 regarding indemnification of
2 officers, directors, employees, and agents;

3 (5) the Abused and Neglected Child Reporting Act;

4 (5.5) subsection (b) of Section 10-23.12 and
5 subsection (b) of Section 34-18.6 of this Code;

6 (6) the Illinois School Student Records Act;

7 (7) Section 10-17a of this Code regarding school report
8 cards;

9 (8) the P-20 Longitudinal Education Data System Act;

10 (9) Section 27-23.7 of this Code regarding bullying
11 prevention;

12 (10) Section 2-3.162 of this Code regarding student
13 discipline reporting;

14 (11) Sections 22-80 and 27-8.1 of this Code;

15 (12) Sections 10-20.60 and 34-18.53 of this Code;

16 (13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~

17 (14) Section 26-18 of this Code; ~~and~~

18 (15) Section 22-30 of this Code; ~~and~~

19 (16) Article 26A.

20 The change made by Public Act 96-104 to this subsection (g)
21 is declaratory of existing law.

22 (h) A charter school may negotiate and contract with a
23 school district, the governing body of a State college or
24 university or public community college, or any other public or
25 for-profit or nonprofit private entity for: (i) the use of a
26 school building and grounds or any other real property or

1 facilities that the charter school desires to use or convert
2 for use as a charter school site, (ii) the operation and
3 maintenance thereof, and (iii) the provision of any service,
4 activity, or undertaking that the charter school is required to
5 perform in order to carry out the terms of its charter.
6 However, a charter school that is established on or after April
7 16, 2003 (the effective date of Public Act 93-3) and that
8 operates in a city having a population exceeding 500,000 may
9 not contract with a for-profit entity to manage or operate the
10 school during the period that commences on April 16, 2003 (the
11 effective date of Public Act 93-3) and concludes at the end of
12 the 2004-2005 school year. Except as provided in subsection (i)
13 of this Section, a school district may charge a charter school
14 reasonable rent for the use of the district's buildings,
15 grounds, and facilities. Any services for which a charter
16 school contracts with a school district shall be provided by
17 the district at cost. Any services for which a charter school
18 contracts with a local school board or with the governing body
19 of a State college or university or public community college
20 shall be provided by the public entity at cost.

21 (i) In no event shall a charter school that is established
22 by converting an existing school or attendance center to
23 charter school status be required to pay rent for space that is
24 deemed available, as negotiated and provided in the charter
25 agreement, in school district facilities. However, all other
26 costs for the operation and maintenance of school district

1 facilities that are used by the charter school shall be subject
2 to negotiation between the charter school and the local school
3 board and shall be set forth in the charter.

4 (j) A charter school may limit student enrollment by age or
5 grade level.

6 (k) If the charter school is approved by the Commission,
7 then the Commission charter school is its own local education
8 agency.

9 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
10 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
11 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
12 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
13 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
14 eff. 8-14-18; revised 10-5-18.)

15 (105 ILCS 5/34-18.24)

16 Sec. 34-18.24. Transfer of students.

17 (a) The board shall establish and implement a policy
18 governing the transfer of a student from one attendance center
19 to another within the school district upon the request of the
20 student's parent or guardian. A student may not transfer to any
21 of the following attendance centers, except by change in
22 residence if the policy authorizes enrollment based on
23 residence in an attendance area or unless approved by the board
24 on an individual basis:

25 (1) An attendance center that exceeds or as a result of

1 the transfer would exceed its attendance capacity.

2 (2) An attendance center for which the board has
3 established academic criteria for enrollment if the
4 student does not meet the criteria.

5 (3) Any attendance center if the transfer would prevent
6 the school district from meeting its obligations under a
7 State or federal law, court order, or consent decree
8 applicable to the school district.

9 (b) The board shall establish and implement a policy governing
10 the transfer of students within the school district from a
11 persistently dangerous attendance center to another attendance
12 center in that district that is not deemed to be persistently
13 dangerous. In order to be considered a persistently dangerous
14 attendance center, the attendance center must meet all of the
15 following criteria for 2 consecutive years:

16 (1) Have greater than 3% of the students enrolled in
17 the attendance center expelled for violence-related
18 conduct.

19 (2) Have one or more students expelled for bringing a
20 firearm to school as defined in 18 U.S.C. 921.

21 (3) Have at least 3% of the students enrolled in the
22 attendance center exercise the individual option to
23 transfer attendance centers pursuant to subsection (c) of
24 this Section.

25 (c) A student may transfer from one attendance center to
26 another attendance center within the district if the student is

1 a victim of a violent crime as defined in Section 3 of the
2 Rights of Crime Victims and Witnesses Act. The violent crime
3 must have occurred on school grounds during regular school
4 hours or during a school-sponsored event.

5 (d) (Blank).

6 (e) Notwithstanding any other provision of this Code, a
7 student who is a victim of gender-based violence, as defined in
8 Article 26A, must be permitted to transfer schools immediately
9 and as needed, including to a school in another school
10 district, if the student's continued attendance at a particular
11 attendance center, school facility, or school location poses a
12 risk to the student's mental or physical well-being or safety.
13 A transfer under this subsection within the school district
14 must be considered before a transfer into a different school
15 district. A school district must waive tuition for a student
16 who transfers under this subsection to the school district and
17 is a nonresident. A student who transfers to another school
18 under this subsection due to gender-based violence must have
19 full and immediate access to extracurricular activities and any
20 programs or activities offered by or under the auspices of the
21 school to which the student has transferred. No adverse or
22 prejudicial effects may result to any student who is a victim
23 of gender-based violence because of the student availing
24 himself or herself of or declining the provisions of this
25 subsection.

26 (Source: P.A. 100-1046, eff. 8-23-18.)

1 Section 10. The Illinois School Student Records Act is
2 amended by changing Section 5 as follows:

3 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

4 Sec. 5. (a) A parent or any person specifically designated
5 as a representative by a parent shall have the right to inspect
6 and copy all school student permanent and temporary records of
7 that parent's child, except if the child is a parent, expectant
8 parent, or victim of gender-based violence, as defined in
9 Article 26A. All information concerning a student's status and
10 related experiences as a parent, expectant parent, or victim of
11 gender-based violence, including a statement of the student or
12 any other documentation, record, or corroborating evidence and
13 the fact that the student has requested or obtained assistance,
14 accommodations, or services related to that status, must be
15 retained by the school in the strictest confidence. The
16 information contained in the student's permanent or temporary
17 record may be disclosed if, prior to disclosing the information
18 about a student's status as a parent, expectant parent, or
19 victim of gender-based violence, the school notifies the
20 student and discusses and addresses any health or safety
21 concerns related to that disclosure. If the student's health or
22 safety concerns are incapable of being satisfied to the
23 student's satisfaction, the information concerning the
24 student's status and related experiences as a parent, expectant

1 parent, or victim of gender-based violence may not be disclosed
2 as part of the student's permanent or temporary record.
3 Enforcement of this exception is as provided in Section 26A-40.

4 A student shall have the right to inspect and copy his or her
5 school student permanent record. No person who is prohibited by
6 an order of protection from inspecting or obtaining school
7 records of a student pursuant to the Illinois Domestic Violence
8 Act of 1986, as now or hereafter amended, shall have any right
9 of access to, or inspection of, the school records of that
10 student. If a school's principal or person with like
11 responsibilities or his designee has knowledge of such order of
12 protection, the school shall prohibit access or inspection of
13 the student's school records by such person.

14 (b) Whenever access to any person is granted pursuant to
15 paragraph (a) of this Section, at the option of either the
16 parent or the school a qualified professional, who may be a
17 psychologist, counsellor or other advisor, and who may be an
18 employee of the school or employed by the parent, may be
19 present to interpret the information contained in the student
20 temporary record. If the school requires that a professional be
21 present, the school shall secure and bear any cost of the
22 presence of the professional. If the parent so requests, the
23 school shall secure and bear any cost of the presence of a
24 professional employed by the school.

25 (c) A parent's or student's request to inspect and copy
26 records, or to allow a specifically designated representative

1 to inspect and copy records, must be granted within a
2 reasonable time, and in no case later than 10 business days
3 after the date of receipt of such request by the official
4 records custodian.

5 (c-5) The time for response under this Section may be
6 extended by the school district by not more than 5 business
7 days from the original due date for any of the following
8 reasons:

9 (1) the requested records are stored in whole or in
10 part at other locations than the office having charge of
11 the requested records;

12 (2) the request requires the collection of a
13 substantial number of specified records;

14 (3) the request is couched in categorical terms and
15 requires an extensive search for the records responsive to
16 it;

17 (4) the requested records have not been located in the
18 course of routine search and additional efforts are being
19 made to locate them;

20 (5) the request for records cannot be complied with by
21 the school district within the time limits prescribed by
22 subsection (c) of this Section without unduly burdening or
23 interfering with the operations of the school district; or

24 (6) there is a need for consultation, which shall be
25 conducted with all practicable speed, with another public
26 body or school district or among 2 or more components of a

1 public body or school district having a substantial
2 interest in the determination or in the subject matter of
3 the request.

4 The person making a request and the school district may
5 agree in writing to extend the time for compliance for a period
6 to be determined by the parties. If the requester and the
7 school district agree to extend the period for compliance, a
8 failure by the school district to comply with any previous
9 deadlines shall not be treated as a denial of the request for
10 the records.

11 (d) The school may charge its reasonable costs for the
12 copying of school student records, not to exceed the amounts
13 fixed in schedules adopted by the State Board, to any person
14 permitted to copy such records, except that no parent or
15 student shall be denied a copy of school student records as
16 permitted under this Section 5 for inability to bear the cost
17 of such copying.

18 (e) Nothing contained in this Section 5 shall make
19 available to a parent or student confidential letters and
20 statements of recommendation furnished in connection with
21 applications for employment to a post-secondary educational
22 institution or the receipt of an honor or honorary recognition,
23 provided such letters and statements are not used for purposes
24 other than those for which they were specifically intended, and

25 (1) were placed in a school student record prior to
26 January 1, 1975; or

1 (2) the student has waived access thereto after being
2 advised of his right to obtain upon request the names of
3 all such persons making such confidential recommendations.

4 (f) Nothing contained in this Act shall be construed to
5 impair or limit the confidentiality of:

6 (1) Communications otherwise protected by law as
7 privileged or confidential, including but not limited to,
8 information communicated in confidence to a physician,
9 psychologist or other psychotherapist, school social
10 worker, school counselor, school psychologist, or school
11 social worker, school counselor, or school psychologist
12 intern who works under the direct supervision of a school
13 social worker, school counselor, or school psychologist;
14 or

15 (2) Information which is communicated by a student or
16 parent in confidence to school personnel; or

17 (3) Information which is communicated by a student,
18 parent, or guardian to a law enforcement professional
19 working in the school, except as provided by court order.

20 (g) No school employee shall be subjected to adverse
21 employment action, the threat of adverse employment action, or
22 any manner of discrimination because the employee is acting or
23 has acted to protect communications as privileged or
24 confidential pursuant to applicable provisions of State or
25 federal law or rule or regulation.

26 (Source: P.A. 100-532, eff. 9-22-17.)

1 Section 990. The State Mandates Act is amended by adding
2 Section 8.43 as follows:

3 (30 ILCS 805/8.43 new)

4 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 101st General Assembly.

8 Section 999. Effective date. This Act takes effect upon
9 becoming law.